

IN THE DRAWINGS:

Please amend Fig. 3 to show a schematic representation of a pressure sensor 24 as shown in the REPLACEMENT SHEET submitted herewith.

REMARKS

Before entry of this Amendment, claims 1-28 were pending in the application.

After entry of this Amendment claims 1-26 remain pending under examination and claims 27 and 28 have been canceled. The number of total claims has not been increased, and the number of independent claims has not been increased beyond the number for which payment previously had been made.

Applicant has carefully considered the Examiner's Action of December 16, 2005, and the references cited therein. The following is a brief summary of the Action. A more accurately descriptive title was required. Objection was made to the drawings under 37 C.F.R. 1.83(a) because "pressure sensor" is a claim element that is not depicted in the drawings. Claims 25-28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-3, 6-17, 19 and 21-28 were rejected under 35 U.S.C. 102(b) as anticipated by Haber et al (USP 4,850,953). Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Haber et al. Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Haber et al (USP 4,850,953) in view of Elbert et al (US 2002/0165553). Claim 20 was rejected under 35 U.S. C. 103(a) as being unpatentable over Haber et al in view of Buckholtz et al (USP 5,409,006).

Applicant has amended the title so that it more accurately describes the invention to which the claims pertain. Applicant therefore requests withdrawal of the objection to the title.

Applicant also has amended Fig. 3 of the drawings to show a schematic representation of a pressure sensor 24 in accordance with the description at page 5,

lines 5 – 8, and page 6, lines 25 – 31 of applicant's specification. Applicant has commensurately amended the specification at page 10, line 14, to conform to the original description. None of these amendments has added any new matter. Applicant therefore requests withdrawal of the objections to the drawings.

Claims 25-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims inartfully refer to "substances and bodies" 23 that can be affixed to the surface of the tube segment 2, as shown in Fig. 5 and explained for example at page 8, line 37 through page 9, line 10, page 10, lines 25 – 29 and page 11, lines 4 – 13 of applicant's specification. Applicant has cancelled claims 27 and 28 and amended claims 25 and 26 to remove the indefiniteness without adding any new matter. Applicant therefore respectfully submits that claims 25 and 26, as presented herein, are patentable under 35 U.S.C. § 112, second paragraph.

For the reasons explained below, applicant respectfully traverses the rejection of claims 1-3, 6-17, 19 and 21-28 under 35 U.S.C. § 102(b) as being anticipated by Haber et al.

The present invention pertains to a device for tamponade of body cavities and mechanical anchoring of a catheter. To tamponade a body cavity means to fill that cavity.

Haber et al discloses a valve through which liquid nourishment can be delivered through the abdominal wall 50 and abdominal mucosa 52 of a baby that otherwise is unable to eat normally via the mouth and esophagus.

The last paragraph on page 3 of the Office Action contends that (emphasis added):

Haber discloses a device (1) for tamponade of body cavities and securement thereto, comprising a flexible tube segment (8) having an inner wall and an outer wall that surrounds an inner space, wherein the tube segment is inflatable and configured **without any support bodies** so that displacement of the tube wall is possible as inflation proceeds,

However, claim 1 requires the flexible tube segment to be configured **without through-passing support bodies** so that a displacement of tube wall material between the inner wall and the outer wall of the tube segment is possible as inflation proceeds. Thus, as explained in applicant's specification, claim 1 precludes any support bodies extending through the central lumen of the torus geometry.

Reference to Haber et al Figs. 2, 3 and 4 for example shows that Haber et al fails to satisfy this requirement of the flexible tube segment being configured **without through-passing support bodies**. For the Haber et al feeding lumen 6 with its tapered distal nose 7 constitutes just such a **through-passing support body** that claim 1 precludes.

This claim 1 feature is explained at page 5, lines 28-30 in applicant's specification as follows:

However, when deflated, the stretched-out double tube body does have a certain rigidity due to the close mutual contact of four wall layers, that alone makes it possible to position it for most applications.

This condition cannot be achieved by the Haber et al device. For in the Haber et al device, there is a through-passing support body that takes the form of the rigid stem 6, 7 in the middle. Because of this rigid stem 6, 7, any close mutual contact of four wall layers is precluded in the Haber et al device.

According to claim 12 (emphasis added), the

tube section is preformed in such a way that a tube portion that forms the inner wall of said tube segment after invagination is smaller in cross-section and has a **greater wall thickness** than a tube portion forming the outer wall.

The walls of the Haber et al balloon 8 are of uniform thickness, and therefore Haber et al fails to disclose the above-quoted feature of claim 12.

Applicant therefore respectfully submits that claims 1-3, 6-17, 19 and 21-28 are patentable under 35 U.S.C. § 102(b) over Haber et al.

Since Haber et al is deficient as noted above with respect to claim 1, and claims 4 and 5 depend from claim 1, applicant therefore respectfully submits that claims 4 and 5 are patentable under U.S.C. § 103(a) over Haber et al.

For the reasons explained below, applicant respectfully traverses the rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Haber et al in view of Elbert et al.

Elbert et al fails to correct the deficiencies noted above in Haber et al. Applicant therefore respectfully submits that claim 18 is patentable under U.S.C. § 103(a) over Haber et al in view of Elbert et al.

For the reasons explained below, applicant respectfully traverses the rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over Haber et al in view of Buckholtz et al.

Buckholtz et al fails to correct the deficiencies noted above in Haber et al. Applicant therefore respectfully submits that claim 20 is patentable under U.S.C. § 103(a) over Haber et al in view of Buckholtz et al.

Applicant respectfully requests reconsideration and reexamination of claims 1-26, as presented herein, and submits that these claims are in condition for allowance and should be passed to issue.

If any fee or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

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